

City of Lafayette Staff Report

For: City Council
By: Matt Luttropp, Associate Engineer
Date Written: April 24, 2008
Meeting Date: May 12, 2008
Subject: Public Hearing to Create Underground Utility Zone No. 8 along the entirety of Lafayette Circle

Introduction

At the City Council meeting of March 24, 2008, Council adopted Resolution 2008-05 to set the public hearing date for April 28, 2008, to create Underground Utility Zone No. 8. The item was continued to the May 12, 2008 meeting.

Notice of the public hearing has been mailed to each property owner and business within the zone (a copy of the notice is attached) and has been published in the Contra Costa Times.

Discussion

Attached is Resolution 2008-16 for Council consideration. The resolution establishes the underground utility zone on the entire length of Lafayette Circle, and directs the appropriate utilities to commence with engineering and construction to remove overhead facilities. It also states the intention of the City to use Rule 20A funds to contribute up to \$1,500 per parcel for panel conversions and, to perform service line trenching up to 100 feet from the distribution lines. Any additional costs would be the responsibility of each property owner.

Fiscal Impact

Rule 20A funds will pay for the project. A rough estimate of the project cost is \$800,000, but PG&E will provide a better estimate when they begin the design phase of the project.

The City of Lafayette currently receives approximately \$230,000 per year in Rule 20A funds for purposes of undergrounding significant overhead facilities. The City will have a Rule 20A balance of approximately \$976,000 by the anticipated construction year of 2010. This is sufficient to complete the project. However, if additional funding is needed the City is allowed to utilize up to 5 years of future allocations for an additional \$1,150,000.

Recommendation

It is recommended that the City Council establish Underground Utility Zone No. 8 by adoption of attached Resolution 2008-16.

Attachments

**BEFORE THE CITY COUNCIL OF THE CITY OF LAFAYETTE
IN THE MATTER OF:**

Creating Underground Utility Zone)
No. 8, on Lafayette Circle from Mount)
Diablo Blvd to Mount Diablo Blvd)
_____)

RESOLUTION NO. 2008-16

WHEREAS, by Resolution No. 2008-05, a public hearing was called for Monday, May 12, 2008, at 7:00 PM at 500 St. Mary's Road, Lafayette, to ascertain whether the public necessity, health, safety, or welfare requires the removal of poles, overhead wires and associated overhead structures, and the underground installation of wires and facilities for supplying electrical, communication, or similar or associated service, within that certain area of the City shown in the attached Exhibit A; and

WHEREAS, the California Public Utilities Commission (CPUC) has authorized electric and telecommunication utilities to convert overhead utility lines and facilities to underground pursuant to Electric Rule 20 and Telecommunication Rule 32, and

WHEREAS, pursuant to certain criteria, CPUC rules allow participating cities to establish legislation authorizing the creation of underground utility districts within which existing overhead electric distribution and telecommunication distribution and service facilities will be converted to underground, and

WHEREAS, the City of Lafayette, has adopted an ordinance authorizing the City Council to designate areas within which all existing overhead poles, overhead wires and overhead equipment associated with the distribution of electric power, telecommunication services and cable television should be removed and replaced with underground wires and facilities; and

WHEREAS, the Engineering Services Manager for the City of Lafayette has consulted with the affected public utilities and such utilities have agreed that the proposed underground conversion district, designated the City of Lafayette Underground Utility Zone No. 8 and more particularly described in Exhibit A attached hereto and incorporated herein by reference, meets the criteria established by the rules of the CPUC, to wit,

that such undergrounding will avoid or eliminate an unusually heavy concentration of overhead electric facilities, and

that the streets or roads or right-of-ways in the proposed district are extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic, and

that the streets or roads or right-of-ways in the proposed district adjoins or passes through a civic area or public recreation area or an area of unusual scenic interest to the general public, and

that the streets or roads or right-of-ways in the proposed district are designated major collectors as identified in the adopted General Plan of the City of Lafayette, and

WHEREAS, each year the City of Lafayette is notified by PG&E regarding the allocation of work credits for conversion of overhead electric distribution lines and facilities to underground, known as Rule 20A allocations, and

WHEREAS, the Engineering Services Manager for City of Lafayette has consulted with PG&E and determined that the City has accumulated Rule 20A work credits or PG&E has agreed that the City may borrow against future credits sufficient to complete the proposed overhead conversion project, and

WHEREAS, the City of Lafayette and the affected utilities have agreed by letter that PG&E shall be responsible for preparation of the trench profile and composite drawings and that PG&E shall be designated as “trench lead” for all utilities effected, to manage trenching, installation of substructures, and pavement restoration and such other work, and

WHEREAS, upon the recommendation of the Engineering Services Manager, the City Council of the City of Lafayette has determined that the proposed City of Lafayette Underground Utility Zone No. 8 is categorically exempt from environmental review pursuant to the California Environmental Quality Act, and

WHEREAS, the City of Lafayette has notified all affected property owners, residents and businesses as shown on the last equalized assessment roll and to all utilities concerned, in the manner and time required by law; and

WHEREAS, the City Council of the City of Lafayette held public hearings at which time the Council did receive and consider the recommendation of the Engineering Services Manager and did hear any and all objections or protests that were raised by the owners of property within the above described district pertaining to designating this area an overhead utility conversion district;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Lafayette that:

Section 1: The public interest requires the removal of all existing utility poles, overhead wires and associated overhead structures and installation of underground wires and facilities for supplying electric power, communication, or similar associated services within the areas as shown in Exhibit A, attached hereto, with such area being designated as the City of Lafayette Underground Utility Zone No. 8, and

Section 2: The undergrounding of these utilities will enhance the appearance of a major portion of the downtown area and is consistent with the goal of the City to underground utilities in the downtown area in order to promote the appearance and viability of the downtown by making it an attractive place to shop and to won a business.

Section 3: Pursuant to applicable provisions of Chapter 7-3 of the Lafayette Municipal Code, beginning with Section 7-301, the area shown in Exhibit A, a map delineating the boundaries of the zone and attached hereto and incorporated herein by reference, is declared an Underground Utility Zone and is designated “City of Lafayette Underground Utility Zone No. 8”.

Section 2: That the utility companies, cable television services and other affected services shall commence work on installation of underground facility installation in the City of Lafayette Underground Utility Zone No. 8 and that as each phase of the project is complete and ready for conversion from

overhead to underground utility facilities, all fronting property owners shall be notified by first class letter, postage pre-paid, of the schedule for conversion of all utility service lines, and

Section 3: The electric utility shall use the underground conversion allocation computed pursuant to decisions of the California Public Utilities Commission for the purpose of providing to each premises requiring it in the City of Lafayette Underground Utility Zone No. 8 a maximum of one hundred feet of individual electric service trenching and conductor (as well as backfill, paving and conduit, if required) and each other serving utility shall provide service trenching and conductor in accordance with its rules and tariffs on file with the California Public Utilities Commission or as required by its Franchise Agreement with the City of Lafayette, and

Section 4: The electric utility shall use said underground conversion allowance allocation, up to a maximum amount of \$1500 per service entrance excluding permit fees, for the conversion of electric service panels to accept underground service in the City of Lafayette Underground Utility Zone No. 8, and each property owner shall be financially responsible for any and all costs not covered by the electric utility for the installation and maintenance of the conduit and termination box located on, under or within any structure on the premises served, and

Section 5: The City of Lafayette shall be responsible for coordinating a contractor to perform the panel conversions, which shall be inspected and completed prior to the time the utilities are prepared to deliver underground service.

Section 6. That once all services have been converted from overhead to underground, the utility companies, cable television services and other affected services shall remove all poles associated overhead facilities in the City of Lafayette Underground Utility Zone No. 8, within ninety (90) days.

Section 7. The City Clerk is directed to notify all affected utilities and all property owners within the City of Lafayette Underground Utility Zone No. 8 of the adoption of this resolution within 30 days after adoption, in accordance with applicable portions of Sections 7-328 through 7-330 of the Lafayette Municipal code.

Section 8. The resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED by the City Council of the City of Lafayette at a regular meeting held on the 12th day of May, 2008, by the following vote to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

Mike Anderson, Mayor

ATTEST:

Joanne Robbins, City Clerk

NOTICE OF PUBLIC HEARING

SUBJECT: Formation of Underground Utility District on Lafayette Circle
DATE: Monday, May 12, 2008 (regular City Council meeting)
TIME: 7:00 p.m.
LOCATION: Lafayette Community Center, Manzanita Room
500 St. Mary's Rd., Lafayette, CA

The Lafayette City Council will hold a public hearing on the intention to create Underground Utility District Zone No. 8 on Lafayette Circle. The work that would be included in this project is summarized below:

1. The conversion of electrical panels on private property to receive underground service. This work would be coordinated by the City, and the City would use its Rule 20A funds to pay up to \$1,500 per parcel for this work. Any additional cost would be paid by the property owner.
2. The removal of all poles, overhead wires and associated overhead structures, and the underground installation of wires and facilities for supplying electrical, communication, or similar or associated service. It is proposed that this work be completed during summer 2010.

A copy of Resolution 2008-16 forming this district is attached, and includes a map of the proposed district as Exhibit A. Additional information on this item may be obtained at the City offices, 3675 Mt. Diablo Blvd., Suite 210, Lafayette, or by calling the City Engineering Services Division at 284-1951 weekdays between 8:00 a.m. and 5:00 p.m.

Your testimony is invited at the public hearing. You are also invited to contact the Engineering Services Division to bring to the attention of the City any information you have that may affect the project. When letters of comment are submitted, the City Council prefers that the writer be available at the public hearing to answer questions. To be included in the City Council packet, please submit letters of comment by noon on Monday, May 5. Letters may be mailed to the City of Lafayette, 3675 Mount Diablo Boulevard, Suite 210, Lafayette, CA 94549.

If you challenge the City's decision on this matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City at, or prior to, the public hearing. California Code of Civil Procedure §1094.6 (review of administrative decisions) is applicable to the City of Lafayette and provides for the review of any decision of the City only if the petition for writ of mandate is filed within 90 days after the decision becomes final.

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